

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SELECT RETRIEVAL, LLC,)	
)	
Plaintiff,)	Civil Action No. 12-1441-RGA
)	
v.)	
)	
PROVIDE COMMERCE, INC.,)	
)	
Defendant.)	

**DEFENDANT PROVIDE COMMERCE INC.'S ANSWER AND
AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT**

Defendant Provide Commerce, Inc. ("Provide Commerce") files this Answer to Plaintiff Select Retrieval, LLC's ("Plaintiff") Complaint. In addition to the Answer, Provide Commerce asserts affirmative defenses, denying the validity of United States Patent No. 6,128,617 ("the '617 Patent)." Provide Commerce denies the allegations in Plaintiff's Complaint unless expressly admitted in the following paragraphs:

NATURE OF THE ACTION

1. Provide Commerce admits that the Complaint purports to state an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 1, et seq.

THE PARTIES

2. Provide Commerce is without knowledge or information sufficient to form a belief about the truth of the allegations of this paragraph and therefore denies them.

3. Provide Commerce admits the allegations contained in Paragraph 3.

JURISDICTION AND VENUE

4. Provide Commerce admits that this action purports to arise under the Patent Laws of the United States and that this Court has subject matter jurisdiction over the action. Provide

Commerce admits that for purposes of this action only, venue is proper in this district as to Provide Commerce but denies that this is the most convenient venue. Provide Commerce reserves all rights to seek to transfer the present action to a more convenient forum.

5. Provide Commerce admits that it is subject to this Court's personal jurisdiction. Bodybuilding denies the remaining allegations contained in Paragraph 5.

COUNT I-INFRINGEMENT OF U.S. PATENT NO. 6,128,617

6. Provide Commerce restates and incorporates by reference its answers in Paragraphs 1-5.

7. Provide Commerce admits that the face of the '617 Patent indicates that it was issued on October 3, 2000, and is entitled "Data Display Software With Actions and Links Integrated With Information." Provide Commerce admits that a copy of the '617 Patent is attached to the Complaint as Exhibit A. Provide Commerce denies the remaining allegations set forth in Paragraph 7.

8. Provide Commerce is without knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 8 and therefore denies them.

9. Provide Commerce admits that the '617 Patent purports to cover a method and/or system that enables search functions and data retrieval that is achieved through the use of increasingly refined searches that retrieve progressively detailed information. Provide Commerce denies the remaining allegations contained in Paragraph 9 because it does not own www.gifts.com or the business that operates the website.

10. Provide Commerce admits that Plaintiff filed suit against Liberty Interactive Corporation in the United States District Court for the District of Delaware and that it filed its

First Amended Complaint on December 2, 2011. Provide Commerce denies the remaining allegations contained in Paragraph 10.

11-14. Provide Commerce denies the allegations contained in Paragraphs 11-14 because it does not own www.gifts.com or the business that operates the website.

PRAYER FOR RELIEF

Provide Commerce denies that Plaintiff is entitled to any of the relief sought in Paragraphs A-D of its prayer for relief. Plaintiff's prayer should be denied in its entirety and with prejudice, and Plaintiff should take nothing by way of its Complaint.

AFFIRMATIVE DEFENSES

Provide Commerce asserts the following Affirmative Defense listed below. Provide Commerce reserves the right to add additional defenses, including allegations of inequitable conduct, consistent with the facts discovered in the case.

First Affirmative Defense

1. The claims of the '617 Patent are invalid because they fail to satisfy one or more of the conditions for patentability specified in Title 35 of the United States Code, including, *inter alia*, §§ 101, 102, 103, and/or 112.

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1093671

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CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on February 11, 2013, the within document was filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorneys of record that the document has been filed and is available for viewing and downloading.

I further certify that on February 11, 2013, the within document was electronically mailed to the following persons:

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